

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

State of Minnesota, by its  
Attorney General Lori Swanson,

Civil File No. 12-145 RHK/JJK

Plaintiff,

v.

**AFFIDAVIT OF TERRY LEE MACKEL**

Accretive Health, Inc.,

Defendant.

Terry Lee Mackel, being first duly sworn on oath, state as follows:

1. My name is Terry Lee Mackel. I am 50 years old and moved to Minnesota in 1989 with my wife, Lori. We've lived in Savage since 1991. For the past 18 years I have worked for Entegris, Inc. as a product development lab technician, testing different semi-conductor parts such as valves, tubing, and fittings. Lori works for the Ramsey County Department of Public Health as a dietician and nutrition educator for the Women, Infants and Children Program, a supplemental food program for low income families. Lori and I have been married for 27 years and we have two adult daughters, Erika and Ciera. Erika is 24 and works as a pre-school teacher. Ciera is 19 and is in college at the University of Northern Iowa. My wife and I are both avid runners and I have completed 7 marathons and 12 half marathons.

2. On April 10, 2012, I woke up in the middle of the night with severe pain in my back. I was up all night with the pain. The next morning, Lori took me to Park Nicollet's urgent care clinic in Burnsville. I had a CT scan and was told I had kidney stones. I was given some nausea and pain medication, told the kidney stones should be passed in about 3 days, and sent home. At home, the pain medication didn't help with the pain. The pain was excruciating. It was constant sharp, stinging pain in my abdomen. I couldn't breathe. It was so bad that it caused me to start dry heaving at times.

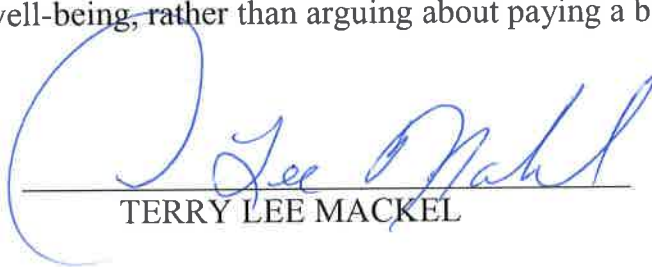
3. Three days later, on April 13, I was still having the same debilitating pain. Park Nicollet Urgent Care decided I needed to go to the Emergency Room. We first stopped at the Park Nicollet Urgent Care Clinic to pick up my medical records and then went to Fairview Ridges Emergency Room. I checked into the emergency room and was taken to a patient room. I changed into a hospital gown and laid down in a bed. As soon as I laid down, a man from the billing office came into the room and asked for my name, phone, address, religion, and insurance information. A nurse started an IV in one of my arms and put a pulse monitor on my finger. The pain was still excruciating and I was given pain medication, which helped a little. A doctor told me that I had very large kidney stones, which I could not pass so I would have to have surgery to remove them. I was told I had to wait in the Emergency Room until a room opened up in the main hospital.

4. Lori left my room to make some phone calls to family members to tell them that I was in the Emergency Room. I was left all alone. I was feeling a little groggy from the pain medication as well as the sharp pain I was still experiencing. Then a woman came into my room wheeling a computer on a cart. She told me I needed to pay \$363.55 to satisfy my insurance deductible. I argued with her and told her that I had a medical savings account that would cover any expenses I might owe. She said that they used a computer program to estimate my hospital bill and the amount I owed. I was still writhing from the pain and eventually told her to go away. I told her I was in too much pain to deal with this, that I didn't have my insurance card or credit card, and that she should speak with my wife. The woman then left my room. When Lori came back into my room I told her what happened and that she shouldn't pay anything if the woman came back.

5. About five minutes after Lori came back, the same woman came back to my room and talked to Lori. She handed Lori a bill for \$363.55. I attach a copy of the bill as Exhibit 1. Lori asked how we could be billed when my treatment had not even been determined yet. The woman told us that the \$363.55 was an estimate of our bill. It was clear that the woman was not going to leave our room without getting a payment from us. The woman repeated 3-4 times that we owed \$363.55 today and we could pay by cash, check, or credit card. Lori finally gave in and gave the woman her credit card to make her go away. The woman ran the credit card on the computer she had wheeled in

and gave us a receipt. I attach the receipt as Exhibit 2. The woman then left the room. I was eventually transferred to a hospital room and had surgery the next morning.

6. I am angry I was asked to pay up front for my Emergency Room visit when I was in the middle of an emergency, in extreme pain, and drowsy from the pain medication I was given. We eventually agreed to pay because we did not want to jeopardize my treatment going forward. I don't want to see others taken advantage of in this way. I want these practices to stop so that Minnesota citizens in an emergency situation can focus on their health and well-being, rather than arguing about paying a bill.

  
TERRY LEE MACKEL

Subscribed and sworn to before me  
this 15<sup>th</sup> day of May,  
2012.

  
Notary Public

AG: #3013566-v1

